

ORDINANCE 570

AN ORDINANCE OF THE CITY OF GRUNDY CENTER, IA, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 165: ZONING REGULATIONS BY ADDING SUBCHAPTER 3.26 ORIGINAL ART MURALS AND AMENDING SECTION 1.05 DEFINITIONS

BE IT ORDAINED BY THE CITY OF GRUNDY CENTER, IA:

Section 1. *That Section 1.05 DEFINITIONS of the 2022 Zoning Ordinance of Grundy Center, IA, is hereby amended and added as follows:*

1.05 DEFINITIONS.

168. **MURAL, ORIGINAL ART.** A one-of-a-kind, hand-painted, hand-tiled, or digitally printed work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. A **MURAL** does not include displays with electrical or mechanical components or a changing image art display.

169. **MURAL, VINTAGE ORIGINAL ART.** An original art mural that existed prior to the adoption of this ordinance.

Section 2. That the 2022 Zoning Ordinance is hereby amended by adding a subchapter to be entitled ORIGINAL ART MURALS to read:

ORIGINAL ART MURALS

3.26 PURPOSE AND INTENT.

- a) These regulations relating to original art murals in the City of Grundy Center, Iowa further the following purposes:
 - 1. Encouraging artistic expression and the creation of more murals.
 - 2. Protect adjacent property owners.
 - 3. Chamber Main Street of Grundy Center will maintain existing murals that are a valued part of the history of the City of Grundy Center.
 - 4. Keep a directory of murals including pictures and a historical account; and
 - 5. Contribute to the cultural identity of a neighborhood and foster a sense of pride.
- b) The City wishes to encourage the installation of murals and at the same time prevent the proliferation of off-premises signs. This mural ordinance is intended to work in tandem with and help preserve the intent of the off-premises sign code set forth in Chapter 3.22 of this Code. Adequacy of message opportunity will be available to sign users without dominating the visual appearance of the area.
- c) These mural regulations also promote public safety and welfare by regulating such displays in keeping with the following objectives:
 - 1. That the design, construction, installation, repair, and maintenance of such displays will not interfere with traffic safety or otherwise endanger public safety.

2. That the regulations will provide reasonable protection to the visual environment by controlling the minimum improvement and maintenance of the displays.
3. That the public will enjoy the aesthetic benefits of being able to view such displays that are reasonably and appropriately regulated without having to endure visual blight and traffic safety impacts that would be caused by such displays that are not reasonably and appropriately regulated.
4. That consideration will be given to equalizing the opportunity for messages and artistic expression to be displayed.
5. That the regulations will conform to judicial decisions, thereby limiting further costly litigation and facilitating enforcement of these regulations.
6. To provide registration requirements for murals as defined by this ordinance.

3.27 ORIGINAL ART MURAL MINIMUM STANDARDS.

An original art mural that meets all of the following requirements will be allowed upon satisfaction of the application registration procedures:

- a) To preserve public order and protect human dignity, a mural artwork may not include displays that incite violence or prejudicial action against groups or individuals on the basis of their membership in the group, or which disparage or intimidate a group of individuals on the basis of their membership in the group.
- b) No part of a mural shall exceed the height of the structure to which it is tiled, painted, or affixed.
- c) No part of a mural shall extend from the plane of the wall upon which it is tiled, painted, or affixed.
- d) No mural, except for murals consisting completely of paint, shall be placed over the exterior surface of any building opening including, but not limited to, windows, doors, and vents. Notwithstanding the foregoing, a mural consisting of paint, or any other material permitted under this section may be placed on roll-down security doors on a commercial or industrial building.
- e) Surfaces should be prepared to allow the mural to withstand the outdoor climate of Grundy Center, Iowa. Mural materials may not create environmental pollution due to flaking or chipping over time. Surface sealant is recommended.
- f) The property owner is responsible for the mural maintenance and shall coordinate repairs to the mural as necessary including, but not limited to, removal of graffiti.

3.28 ORIGINAL ART MURAL REGISTRATION.

- a) *Administrative rules.* City Council is authorized and directed to administer the registration of original art murals and may adopt mural administrative rules to implement this section. The administrative rules shall include an application to identify and describe the proposed original art mural and its location on the structure. The applicant for the original art mural registration shall be the property owner.
- b) *Neighbor involvement.* The administrative rules to be adopted by the City Council may include a neighbor involvement rule. Specifically, the rules shall include a requirement that an application for original art mural approval send notice of the application to the adjacent property owners, including those across the street, prior to the registration of the original art mural. No original art mural may be installed until the application has been approved by the City Council. This is a procedural requirement only and the City Council shall at all times retain sole authority to approve or deny any application for an original art mural based on the criteria in Section 3.26 ad

Section 3.27 of this subchapter and any administrative rules promulgated by the City Council. Further, in no event will a registration of an original art mural be granted or denied based upon the content of the mural.

- c) *Change of ownership.* Upon a change of ownership of the property to which an original art mural is affixed, a new owner may, at the owner's election and without the need for permission for the City of Grundy Center, deregister the mural with the department.
- d) *Vintage original art murals.* Any vintage original art mural shall have legal nonconforming status and, notwithstanding any provision to the contrary, not require registration under this section. But a vintage original art mural which has not gained legal nonconforming status through law other than this section, cannot qualify for legal nonconforming status under this section if it consists or contains any of the following: electrical, mechanical, or kinetic components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every 24 hours).


Section 3. Severability. If any part, sentence, phrase, clause, term, or word of Section 3.26-3.28 is declared invalid or unconstitutional by a valid court judgment or decree of any court of competent jurisdiction, the declaration of such invalidity or unconstitutionality shall not affect the constitutionality or lawfulness of the remainder of the City of Grundy Center Code of Ordinance, or any other city regulation regulating signage or original art murals.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication is provided by law.

Passed and approved by the Council on the _____ day of _____, 2023.



Dr. Paul Eberline, Mayor

ATTEST:


Kristy Sawyer, City Clerk

ORDINANCE NO. 571

AN ORDINANCE AMENDING CHAPTER 92 OF THE CODE OF ORDINANCES OF THE CITY OF GRUNDY CENTER, IOWA, AS TO WATER RATES

Be It Ordained by the Council of the City of Grundy Center, Iowa:

SECTION 1. PURPOSE. The purpose of this Ordinance is to amend Section 92.02 of the Code of Ordinances of the City of Grundy Center, Iowa, as to water rates:

SECTION 2. AMENDMENT. Section 92.02 of the Code of Ordinances of the City of Grundy Center, Iowa, is hereby amended so as to delete the entire section and substitute therefore the following:

Section 92.02 RATE OF SERVICE. The water service shall be furnished at the following monthly rates within the City:
(Code of Iowa, Sec. 384.84)

Water Rates

Cubic Feet Used Per Month	Rate
First 167 cubic feet	\$ 8.47 per 100 cubic feet (minimum bill of \$ 14.14)
168 to 833 cubic feet	\$5.64 per 100 cubic feet
833 cubic feet or over	\$4.22 per 100 cubic feet


And on-going July 1 of each calendar year a two percent (2%) increase will go into effect and reviewed every five years.

SECTION 3. REPEALER. All Ordinances or parts of Ordinances heretofore enacted by the City Council of the City of Grundy Center, Iowa, in conflict with the provisions of this Ordinance are hereby expressly repealed.

SECTION 4. SEPARABILITY OF PROVISIONS. It is the intention of the City Council that each section, paragraph, sentence, clause and provision of this Ordinance is separable, and if any such provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance or any part thereof other than that affected by such decision.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication is provided by law.

Passed and approved by the Council on the 10th day of July, 2023.



Dr. Paul Eberline, Mayor

ATTEST:



Kristy Sawyer, City Clerk

